



Applicants: Bett, Andrew J. et al.

Serial No. 10/645,794

Filed: August 21, 2003

For: METHODS FOR PROPAGATING ADENOVIRUS AND  
VIRUS PRODUCED THEREBYArt Unit: 1645

Examiner: \_\_\_\_\_

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**

By \_\_\_\_\_

Date

March 17, 2004

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

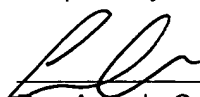
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Anna L. Cocuzzo

Attorney \_\_\_\_\_ For Applicant(s)

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Date: March 17, 2004

**COMPLETE IF KNOWN**

<b>Application Number</b>	10/645,794
<b>Filing Date</b>	August 21, 2003
<b>First Named Inventor</b>	Bett, Andrew J. et al.
<b>Group Art Unit</b>	1645
<b>Examiner Name</b>	

Attorney Docket Number 20699Y

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of

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U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		WO	03/104467		Crucell Holland B.V.	12/18/2003
		WO	00/70071		Introgene B.V.	11/23/2000
		WO	98/53087		Cornell Research Foundation, Inc.	11/26/1998
		EP	1 054 064 A1		Introgene B.V.	11/22/2000
		WO	01/45748		Merck & Co., Inc.	06/28/2001
		WO	01/43693		Merck & Co., Inc.	06/21/2001
		WO	98/34640		Merck & Co., Inc.	08/13/1998
		WO	97/48370		Merck & Co., Inc.	12/24/1997
		WO	97/31115		Merck & Co., Inc.	08/28/1997

Examiner  
SignatureDate  
Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Computer generated form "IDS Form" (IDS Folder). Merck & Co., Inc., 09/05/2003

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE</b>  <b>STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>COMPLETE IF KNOWN</b>		
			Application Number	10/645,794	
			Filing Date	August 21, 2003	
			First Named Inventor	Bett, Andrew J. et al.	
			Group Art Unit	1645	
			Examiner Name		
Sheet	2	of	2	Attorney Docket Number	20699Y

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Abrahamsen, K. et al. "Construction of an Adenovirus Type 7a E1A-Vector", Journal of Virology, 1997, Vol. 71, pp. 8946-8951
		Brough, D. et al. "A Gene Transfer Vector-Cell Line System for Complete Functional Complementation of Adenovirus Early Regions E1 and E4", Journal of Virology, 1996, Vol. 70, pp. 6497-6501
		De Jong, J. et al. "Adenoviruses from Human Immunodeficiency Virus-Infected Individuals, Including Two Strains That Represent New Candidate Serotypes Ad50 and Ad51 of Species B1 and D, Respectively", Journal of Clinical Microbiology, 1999, Vol. 37, pp. 3940-3945
		Fallaux, F. et al. "New Helper Cells and Matched Early Region 1-Deleted Adenovirus Vectors Prevent Generation of Replication-Competent Adenoviruses", Human Gene Therapy, 1998, Vol. 9, pp. 1909-1917
		Graham, F. et al. "Characteristics of a Human Cell Line Transformed by DNA from Human Adenovirus Type 5", Journal of General Virology, 1977, Vol. 36, pp. 59-72
		Hierholzer, J. et al. "Adenoviruses from Patients with AIDS: A Plethora of Serotypes and A Description of Five New Serotypes of Subgenus D (Types 43-47)", The Journal of Infectious Diseases, 1988, Vol. 158, pp. 804-813
		Horwitz, M. "Adenoviridae and Their Replication", Virology, Chapter 60, Second Edition, 1990, pp. 1679-1721
		Leppard, K. "E4 gene function in adenovirus, adenovirus vector and adeno-associated virus infections", Journal of General Virology, 1997, Vol. 78, pp. 2131-2138
		Rowe, W. et al. "Isolation of a Cytopathogenic Agent from Human Adenoids Undergoing Spontaneous Degeneration in Tissue Culture", Proceedings for the Society for Experimental Biology and Medicine, 1953, Vol. 84, pp. 570-573
		Schnurr, D. et al. "Two New Candidate Adenovirus Serotypes", Intervirology, 1993, Vol. 36, pp. 79-83
		Straus, S. "Adenovirus Infections in Humans", The Adenoviruses, 1984, pp. 451-498

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP §09. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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